

1 SENATE JOINT MEMORIAL 52

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE NEW MEXICO HEALTH POLICY COMMISSION TO CREATE A  
12 TASK FORCE TO EVALUATE NEW MEXICO'S CURRENT APPROACHES TO DRUG  
13 POLICY THROUGH THE USE OF LAW ENFORCEMENT, TREATMENT,  
14 PREVENTION AND HARM REDUCTION AND TO DEVELOP STRATEGIES FOR  
15 EFFECTIVE CHANGE.

16  
17 WHEREAS, New Mexico has long been concerned about  
18 substance abuse and its impact on the people of New Mexico; and

19 WHEREAS, addiction is a chronic medical illness that is  
20 treatable, and drug treatment success rates exceed those of  
21 many cancer therapies; and

22 WHEREAS, according to a recent report issued by the  
23 federal substance abuse and mental health services  
24 administration, an estimated fifty-five thousand New Mexicans  
25 need, but are not receiving, treatment for an illicit drug use

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1 problem and another one hundred twenty-four thousand need  
2 treatment for alcohol abuse; and

3 WHEREAS, according to the Pew research centers, more than  
4 one out of every one hundred Americans is incarcerated, and a  
5 recent United States justice department report states that an  
6 estimated five hundred thousand people are incarcerated for a  
7 drug law violation nationally; and

8 WHEREAS, at the end of 2007, over seven million three  
9 hundred thousand Americans, which is approximately one in every  
10 thirty-one adults, were incarcerated or on probation or parole,  
11 and roughly one-third of these were under correctional  
12 supervision for a drug law violation; and

13 WHEREAS, the average cost of substance abuse treatment in  
14 New Mexico is one thousand two hundred ninety-five dollars  
15 (\$1,295) per person per year, and the cost of incarcerating one  
16 person in either jail or prison averages twenty-seven thousand  
17 eight hundred thirty-seven dollars (\$27,837) per year; and

18 WHEREAS, New Mexico spent approximately twenty-two million  
19 dollars (\$22,000,000) to incarcerate nonviolent drug possession  
20 offenders in 2007; and

21 WHEREAS, of the approximately five thousand six hundred  
22 people in New Mexico's state prison system in 2002,  
23 approximately eighty-seven percent were assessed as needing  
24 substance abuse services and seventy percent as substance  
25 abusing or dependent; and

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1           WHEREAS, according to a study by the RAND corporation,  
2 every one dollar (\$1.00) invested in substance abuse treatment  
3 results in a savings to taxpayers of more than seven dollars  
4 (\$7.00), through reduced societal costs of crime, violence and  
5 loss of productivity; and

6           WHEREAS, the national treatment improvement evaluation  
7 study shows substantial reductions in criminal behavior, with a  
8 sixty-four percent decrease in all arrests after treatment,  
9 making public safety a primary beneficiary of effective drug  
10 treatment programs; and

11           WHEREAS, federal, state and local costs of the war on  
12 drugs exceed forty billion dollars (\$40,000,000,000) annually,  
13 yet drugs are still widely available in every community, drug  
14 use and demand have not decreased and most drug prices have  
15 fallen while purity levels have increased dramatically; and

16           WHEREAS, according to the office of national drug control  
17 policy, only thirty-five percent of the federal drug control  
18 budget is spent on education, prevention and treatment  
19 combined, with the remaining sixty-five percent devoted to law  
20 enforcement efforts; and

21           WHEREAS, cities and states across the country have  
22 experienced a rise in violent crime and must prioritize scarce  
23 law enforcement resources; and

24           WHEREAS, many New Mexico teachers, prevention specialists  
25 and school districts are using effective and science-based drug

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1 prevention strategies that focus on building resiliency and  
2 honest communication with young people about drug use; and

3 WHEREAS, over one-third of all HIV/AIDS cases and nearly  
4 two-thirds of all new cases of hepatitis C in the United States  
5 are linked to injection drug use with contaminated syringes,  
6 now the single largest factor in the spread of HIV/AIDS in the  
7 country; and

8 WHEREAS, Blacks, Latinos and other minorities use drugs at  
9 rates comparable to Whites, yet they face disproportionate  
10 rates of arrest and incarceration for drug law violations among  
11 persons convicted of drug felonies in state courts; and

12 WHEREAS, according to the corrections department, one in  
13 ninety Hispanic men aged eighteen and older, one in thirty-one  
14 Black men aged eighteen or older and one in twenty-five Black  
15 men aged twenty to thirty-four are currently incarcerated in  
16 New Mexico; and

17 WHEREAS, the drastic change in sentencing laws in the last  
18 quarter century has led to a seven hundred percent increase in  
19 the incarceration of women, with drug law violations accounting  
20 for one-third of the increase; and

21 WHEREAS, in order to promote the successful reentry into  
22 society of people leaving prison or jail, New Mexico must  
23 provide them with job training, transitional housing, family  
24 reunification services, behavioral health treatment and the  
25 restoration of voting rights; and

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1           WHEREAS, New Mexico continues to be a national leader in  
2 effective, public health-based drug policies, as demonstrated  
3 by its 1997 enactment of the Harm Reduction Act, which created  
4 statewide syringe exchange programs; the department of health's  
5 2001 overdose prevention and response initiative; and the good  
6 Samaritan provisions in Section 30-1-27.1 NMSA 1978, which was  
7 enacted in 2007; and

8           WHEREAS, the use of a four pillar approach to drug policy,  
9 incorporating law enforcement, treatment, prevention and harm  
10 reduction, can save both lives and money in New Mexico;

11           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
12 STATE OF NEW MEXICO that the New Mexico health policy  
13 commission be requested to create a task force to evaluate New  
14 Mexico's current approaches to drug policy through the use of  
15 law enforcement, treatment, prevention and harm reduction and  
16 to develop strategies for effective change; and

17           BE IT FURTHER RESOLVED that the task force include  
18 representation from the governor's office; the legislative  
19 finance committee; experts in the fields of public safety,  
20 public health, substance abuse prevention, behavioral health  
21 treatment and harm reduction; the drug policy alliance; and at  
22 least two individuals who are in recovery from substance abuse;  
23 and

24           BE IT FURTHER RESOLVED that the task force identify short-  
25 and long-term strategies for drug policies that save taxpayer

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1 money, hold agencies accountable and demonstrate a proactive,  
2 public health approach to drug policy development; and

3 BE IT FURTHER RESOLVED that the task force establish  
4 criteria to evaluate the impact of drug use and drug policies  
5 on the health and welfare of New Mexicans; and

6 BE IT FURTHER RESOLVED that the task force present its  
7 findings and recommendations, including a description of  
8 current approaches to drug policy and recommendations for  
9 effective strategies to more effectively address drug use and  
10 its consequences, to the interim legislative health and human  
11 services committee and other appropriate interim legislative  
12 committees by November 1, 2009; and

13 BE IT FURTHER RESOLVED that copies of this memorial be  
14 transmitted to the chair of the New Mexico health policy  
15 commission and to each of the organizations named to  
16 participate in the task force.

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